

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF NEW YORK

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4 UNITED STATES OF AMERICA,  
5 -versus- 09-CR-75  
6 JOHN PUGLISI.

7 - - - - -

8 TRANSCRIPT OF PROCEEDINGS held in and for  
9 the United States District Court, 15 Henry Street, Binghamton,  
10 New York, on WEDNESDAY, July 22, 2009, before the  
11 HONORABLE THOMAS J. McAVOY, SENIOR UNITED STATES DISTRICT  
12 COURT JUDGE, Presiding.

13  
14 WITNESS: Hillary Pratt

15  
16 APPEARANCES:

17 FOR THE GOVERNMENT:  
18 UNITED STATES ATTORNEY'S OFFICE  
19 BY: MIROSLAV LOVRIC, AUSA  
20 Binghamton, New York

21  
22 FOR THE DEFENDANT:  
23 VINCENT ACCARDI, ESQ.  
24 Binghamton, New York

25

1 MR. LOVRIC: Judge, the next witness we call  
2 is Hillary Pratt.

3 THE COURT: Okay.

4 THE CLERK: Miss Pratt, please come forward to  
5 be sworn. Would you state your name for the record, please.

6 THE WITNESS: Hillary Pratt.

7 H I L L A R Y P R A T T, having been called as a witness,  
8 being duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. LOVRIC:

11 Q Good afternoon, Hillary.

12 A Hi.

13 Q Okay. Just going to ask you to try to speak into  
14 that microphone, okay?

15 A Okay.

16 Q All right. Hillary, how old are you right now?

17 A Seventeen.

18 Q And in what month of this year did you turn 17?

19 A March.

20 Q During the time frame between December of 2008 and  
21 through January of this year, 2009, how old were you then?

22 A Sixteen.

23 Q Hillary, right now are you attending school?

24 A Yes.

25 Q And where are you going to school right now?

1           A     Newark Valley.

2           Q     Okay. And are you doing that also this summer?

3           A     Yeah.

4           Q     Okay. Can you just tell us a little bit about how  
5 it is you're going to school now in the summertime?

6           A     Sorry, I couldn't hear you.

7           Q     Tell us a little bit why is it you're in school in  
8 the summertime?

9           A     Oh, I'm graduating a year early so I had to make up  
10 my classes over the summer.

11          Q     Okay. And the Newark Valley High School that you  
12 indicated, have you gone to that high school since you began  
13 the high school program?

14          A     Yes.

15          Q     And just generally speaking, how would you describe  
16 your high school size wise, how many kids in your class,  
17 things like that?

18          A     There was like 108.

19          Q     That's at your level, your class?

20          A     Yeah.

21          Q     Okay. And how about the entire school?

22          A     Probably 500.

23          Q     Now, currently Hillary, with whom do you live or  
24 reside?

25          A     My mom and my step dad.

1 Q Okay. And your mom's full name is what?

2 A Susan Schwenk.

3 Q Okay. And your step father's name?

4 A Greg Schwenk.

5 Q Now, do you know a person named Kelsey?

6 A Yeah.

7 Q Okay. Nickname is Kels or you call her Kels?

8 A Yes.

9 Q Who is Kelsey?

10 A She used to be my best friend.

11 Q Okay. And is that someone that you were very close  
12 friends with throughout high school?

13 A Since she moved here in ninth grade, yes.

14 Q Okay. Are you good friends right now with her?

15 A No.

16 Q Now, do you know a person named John Puglisi?

17 A Yes.

18 Q Do you see him in court today?

19 A Yes.

20 Q Okay. Can you just tell us who you're talking  
21 about, who we're talking about?

22 A Like point to him?

23 Q Yeah. Just tell us where he is.

24 A Right there (indicating).

25 Q What's he wearing on top?

1           A     A blue shirt and a tie.

2           Q     Okay.

3                   MR. LOVRIC:   Just for the record, indicating  
4 the defendant.

5                   THE COURT:   Record will so reflect.

6           Q     How do you know John Puglisi?   From where do you do  
7 you know him, let's start there?

8           A     School.

9           Q     At the high school?

10          A     Yeah.

11          Q     Was he ever a teacher of yours?

12          A     No.

13          Q     And when -- when would you say was the first time  
14 that you knew or recognized him as a teacher at Newark Valley  
15 High School?

16          A     It's a small school, you know everybody from the  
17 start.

18          Q     Okay.   So when you started high school was he a  
19 teacher there?

20          A     Yes.

21          Q     And what year did you start high school?

22          A     Eighth grade.

23          Q     Okay.   By year I mean.

24          A     Oh.

25          Q     Going back in time, we're in 2009 right now.

1           A     So 2004 or 5.

2           Q     Okay. Approximately.

3           A     Probably 2005.

4           Q     Okay. I didn't mean to stump you with the math.

5     The high school that you went to in Newark Valley, would you  
6     say you pretty much knew who all the teachers were?

7           A     Yeah.

8           Q     Now, he was never a teacher in any class that you  
9     took?

10          A     Right.

11          Q     Was he ever an instructor at any kind of an  
12     extracurricular sport or club or anything like that that you  
13     were involved in?

14          A     No.

15          Q     Now, I'd like to talk a little bit about this past  
16     school year beginning in September of 2008. Okay?

17          A     M-m h-m-m.

18          Q     Did there come a point in time at the start of the  
19     school year 2008 when you began to get to know Mr. Puglisi  
20     more than just seeing him around the school?

21          A     Yes.

22          Q     How did that develop and how did that go?

23          A     My friend had him as a teacher in ninth and tenth  
24     grade so I used to go with her when she'd get passes from  
25     him.

1 Q Who was the friend that we're talking about?

2 A Kelsey.

3 Q So Kelsey had been in his classroom he taught?

4 A Yes.

5 Q When you say get passes from him, what does that  
6 mean?

7 A To go to the library.

8 Q Okay. So is it like a hall pass that you need to  
9 go somewhere in the school?

10 A Yeah.

11 Q Okay. And would he give you a hall pass in  
12 addition to Kelsey?

13 A No. I didn't need one.

14 Q Okay. You didn't need one. Kelsey needed one?

15 A Right.

16 Q And what happened as you went to see and talk with  
17 him during these occasions?

18 A It was just casual talking usually in the  
19 beginning.

20 Q Okay. Did your talking with Mr. Puglisi at some  
21 point become more and more personal?

22 A Yeah.

23 Q Did he tell you during any of these conversations  
24 things about his personal life?

25 A Yes.

1 Q For example, what, if anything, did he tell you  
2 about his marital status?

3 A No. Somebody else had told me that in like  
4 September.

5 MR. ACCARDI: Your Honor, if I can ask for  
6 clarification as to the time frame. I think the witness had  
7 said September. If he could ask at what point. I'm not  
8 clear that this is anything during the relationship or at a  
9 specific time.

10 THE COURT: I think it's a good idea to get a  
11 time frame, you're right.

12 BY MR. LOVRIC:

13 Q Hillary, school for the 2008/2009 year started in  
14 what month of 2008?

15 A September.

16 Q Okay. And when about would you say that you began  
17 to have more personal conversations with Mr. Puglisi?

18 A Early to mid October.

19 Q Okay. Where would these conversations take place?

20 A In lunch, his classroom, the hallway.

21 Q And when we're talking about that you began to talk  
22 about personal things with him, what kind of things did you  
23 and he start to talk about?

24 A Family, friends, problems. Stuff like that.

25 Q Okay. Now, at any point in time did you learn or



1 did Mr. Puglisi tell you who two people named Alec and Mia  
2 were?

3 A Yeah.

4 Q Who did he say they were?

5 A His kids.

6 Q And how did that conversation come up when he's  
7 telling you that?

8 A I don't know.

9 Q Okay. Was it during this time frame we're talking  
10 about right now?

11 A Yeah.

12 Q And did he at any point tell you about a person  
13 named Kristen Puglisi?

14 A Yeah.

15 Q And what did he tell you as far as who that person  
16 was?

17 A His wife.

18 Q And did he at any point in time tell you what --  
19 what the status of their relationship was?

20 A Yeah.

21 Q What did he tell you about that?

22 A That they weren't living together anymore. They  
23 were separated.

24 Q Now, at some point in time, Hillary, did you see or  
25 meet the two people called Alec and Mia?

1           A     Yeah.

2           Q     How old are those two children about?

3           A     About three and nine I think.

4           Q     And did you ever meet Kristen Puglisi to your  
5 knowledge?

6           A     No.

7           Q     Now, Hillary, somewhere around approximately in  
8 December of 2008, did you and Mr. Puglisi begin to  
9 communicate by way of texting and occasionally calling each  
10 other on the cellphones?

11          A     Yes.

12          Q     How did that communication start?  Who gave who  
13 their phone number and how did that start?

14          A     I gave him my phone number.

15          Q     Okay.

16          A     I don't understand.

17          Q     Who communicated or contacted who first?

18          A     He texted me first.

19          Q     And at that time, Hillary, when this began, what  
20 phone did you have?  By that I mean where did you get the  
21 phone that you had, the cellphone?

22          A     Oh, my mom.

23          Q     Okay.  And that telephone that the texting started  
24 on, is that the phone that your mom had with AT&T?

25          A     Yeah.

1 Q And after you gave Mr. Puglisi your number, about  
2 approximately how long was it before he contacted you on that  
3 telephone?

4 A I think the next day.

5 Q Okay. And did he -- did he call you or did he text  
6 you the first time that he contacted you?

7 A He texted me.

8 Q And from there and that point on, Hillary, how  
9 would you describe the contacts and communications between  
10 you and Mr. Puglisi? How often or not would you say these  
11 things occurred?

12 A The texting?

13 Q Texting or calling each other.

14 A If we weren't together, we were usually texting or  
15 talking on the phone.

16 Q Pretty much all the time?

17 A If we weren't face to face then, yes.

18 Q For example, Hillary, when you were in school  
19 during school hours, would you text Mr. Puglisi from time to  
20 time?

21 A Yeah.

22 Q Would he text you while he's in school teaching?

23 A Not while he's teaching, but yeah.

24 Q While he's in school?

25 A Yes.

1           Q     When Mr. Puglisi first texted you, the very first  
2 time you gave him your phone number, what did you think about  
3 that? What did you think about having contact with him?

4           A     Well, I told him to so it wasn't a big deal.

5           Q     Okay. Okay. What did you tell him when you gave  
6 him your number?

7           A     Text me some time.

8           Q     Okay. And at some point in time after the texting  
9 between you and Mr. Puglisi started, did you go to his  
10 apartment?

11          A     Yes.

12          Q     Approximately, about how long would you say in  
13 December of '08 -- we talked to you about this -- was it from  
14 the time you gave him your number until the time you went to  
15 his apartment the first time?

16          A     I went there the first day we started texting.

17          Q     On the same day that he first started texting you  
18 and you texted him back?

19          A     Yeah.

20          Q     Okay. And where was the apartment that you went  
21 to?

22          A     Endicott.

23          Q     Okay. And who lived at that apartment?

24          A     He did.

25          Q     Did anybody else live there?

1 A Not that I know of.

2 Q Okay. And what happened -- well, let me rephrase  
3 that. The first time that you went to Mr. Puglisi's  
4 apartment, how did you get there?

5 A He picked me up.

6 Q Okay. Where did he pick you up from?

7 A My house.

8 Q Your residence with your mom and step father?

9 A Yeah.

10 Q Okay. And do you recall if this was a school night  
11 or a weekend?

12 A It was like a Friday night.

13 Q Okay. And I take it he drove you to his apartment?

14 A Yes.

15 Q And what happened the first time when you were at  
16 his apartment?

17 A What do you mean?

18 Q What did you and Mr. Puglisi do, say?

19 A We talked and played ping pong and got Chinese  
20 food.

21 Q Okay. Did you and he have any kind of intimate  
22 relations at that time, the first time?

23 A Like sex?

24 Q Well, I'm asking you anything, whether it was sex  
25 or any kind of physical touching, things of that sort?

1 A We kissed.

2 Q Okay. How did that happen?

3 A It just did. I don't know.

4 Q Okay. What did you think about that?

5 A I don't understand what --

6 Q What did you think about your -- what did you think  
7 about a high school teacher kissing you?

8 A I liked him. He wasn't -- I didn't see him as a  
9 teacher.

10 Q Okay. I take it you were okay with that?

11 A Yeah.

12 Q Prior to going to his apartment this first time,  
13 did you have any impression whether or not he liked you?

14 A I kind of figured. I mean --

15 Q Okay. Just by the way you and he were interacting?

16 A Yeah.

17 Q Now, the first time that you were at Mr. Puglisi's  
18 apartment you indicated you guys kissed. Was there anything  
19 more than kissing involved at that time, the first time?

20 A No.

21 Q Okay. And the first time you went to his apartment  
22 did you -- how long did you stay there approximately?

23 A Overnight.

24 Q Okay. So you stayed overnight and was there any  
25 other physical contact while you were at his apartment?

1 A No.

2 Q Okay. Where did your mother or excuse me. What,  
3 if anything, did you tell your mom or your step father as far  
4 as where you were going to be that night?

5 A I probably told them I was at Kelsey's but they  
6 were out of town anyways so....

7 Q Okay. Do you know whether or not you even had to  
8 tell them anything if they were around?

9 A No. I don't know.

10 Q Okay. We'll talk a little bit in a moment about  
11 other occasions but was -- were there times when you would go  
12 to Mr. Puglisi's apartment and you would tell your mom or  
13 your step father something about where you were going to be?

14 A Yeah.

15 Q What kind of things would you tell them as far as  
16 who you were going to be with or where you're going?

17 A I told them I was with Kelsey.

18 Q And you were, in fact, not going to be with Kelsey?

19 A No.

20 Q When was the next time that you went to Mr.  
21 Puglisi's apartment after that first time just in terms of  
22 about how long after the first time that you went there  
23 again?

24 A I don't know. Maybe a week.

25 Q Okay. And how did you get to his apartment on that

1 second occasion?

2 A He drove me there.

3 Q Picked you up from where?

4 A I don't know.

5 Q Okay. Do you recall that second time, whether it  
6 was a school day or weekend?

7 A I don't know.

8 Q Okay. Did anything happen at his apartment on the  
9 second occasion that you went there?

10 A Yeah.

11 Q What happened?

12 A We had sex.

13 Q All right. When you say sex, what do you mean in  
14 terms of what kind of action occurred, sexual intercourse?

15 A Yeah.

16 Q What did you think about that?

17 A Again, I liked him. It didn't matter.

18 Q That was okay?

19 A Yeah.

20 Q I'll talk about a time period, Hillary, and I want  
21 to just preface the time frame that I'll be talking about. I  
22 want to talk about some things between December of 2008 up  
23 until the date of an ice storm on January 7 of 2009. Okay.  
24 I'll be talking about that time period just so we're clear on  
25 what I'm asking. You indicated during the initial contact



1 with Mr. Puglisi that you used this AT&T cellphone that your  
2 mom gave you, right?

3 A Right.

4 Q Okay. Up until January 7, 2009, the ice storm day,  
5 was that the same cellphone that you had continuously during  
6 this time period?

7 A Yeah.

8 Q And that cellphone, the AT&T phone, did it have  
9 calling or texting or just calling or just texting? How  
10 would you describe it?

11 A It had both.

12 Q Okay. And that phone, the AT&T phone, did it have  
13 a camera on it?

14 A Yeah.

15 Q So you were able to take picture or video on the  
16 phone if you chose to?

17 A Yeah.

18 Q Okay. Now, between December of 2008 up until the  
19 day of that snow or ice storm, how would you describe the  
20 majority of the times that you and Mr. Puglisi communicated  
21 by phone?

22 A Like whether they were on the phone or texting?

23 Q Right. Correct.

24 A Texting.

25 Q Was that usually the way that your communication

1 would go?

2 A If we weren't together, yes.

3 Q Now, during that time period that I just  
4 referenced, were there ever occasions where you took  
5 photographs that you sent to Mr. Puglisi on that AT&T phone?

6 A Yeah.

7 Q And were there ever occasions where he sent you  
8 photographs from his cellphone?

9 A Yeah.

10 Q Now in December of 2008, how many times  
11 approximately would you say you went to Mr. Puglisi's  
12 apartment in Endicott?

13 A I don't know.

14 Q Was it more than once or more than twice?

15 A Yeah.

16 Q I don't want to put words in your mouth, Hillary.  
17 Like an approximation, do you know about how many times in  
18 December you went there?

19 A I don't know.

20 Q More than three times?

21 A Probably, yeah.

22 Q More than four times?

23 A Yes.

24 Q Closer to kind of --

25 A I have no idea.

1 Q Okay. Well, was it more than five times that you  
2 went to his apartment in December?

3 A Yes.

4 Q Okay. Do you recall Christmas of that year 2008?

5 A Yeah.

6 Q Okay. Where were you on Christmas Eve, do you  
7 remember?

8 A His house.

9 Q And how was it that you came to be at his house and  
10 what did you tell your mom and step dad?

11 A I was at Kelsey's.

12 Q Okay. Now, when you told Kels -- when you told  
13 your mom or step father about being at Kelsey's and that you  
14 were really at Mr. Puglisi's, did you tell Kelsey that you  
15 were going to be using her kind of as a cover?

16 A No.

17 Q So she didn't know about that?

18 A No.

19 Q During the times in December that you went to  
20 Mr. Puglisi's apartment, how would you get there? I know we  
21 talked about the first two times that he picked you up but  
22 how would you get there on the other occasions when you went  
23 to his apartment?

24 A He drove me. He drove me.

25 Q Were there ever times that he picked you up at

1 school or from the school and took you to his apartment?

2 A I don't know.

3 Q Okay.

4 A Hold on.

5 Q There's some water in that cup. I take it that  
6 almost always he would pick you up and then take you to his  
7 apartment?

8 A Yes.

9 Q Do you remember ever driving to a parking place of  
10 a business called Christopher's?

11 A Yeah.

12 Q What was the purpose for you driving to  
13 Christopher's?

14 A What do you mean?

15 Q Okay. You drove to Christopher's and parked your  
16 car there?

17 A Yeah.

18 Q Why did you park your car there?

19 A So it wasn't in his driveway.

20 Q Do you recall how many times that happened?

21 A Once or twice.

22 Q Okay. And then I take it Mr. Puglisi would pick  
23 you up at Christopher's and take you to his apartment?

24 A Yeah.

25 Q During the time frame we're still talking about,

1 December until the day of the ice storm, did Mr. Puglisi ever  
2 pick you up at home and drive you to school in the mornings.

3 A I know he did but I don't know if it was in that  
4 time period.

5 Q Okay. So you're not sure if it was in this time  
6 period but at some point he did pick you up and drive you to  
7 school?

8 A Yeah.

9 Q How often did that happen?

10 A More towards the end, maybe a couple times a week.

11 Q Okay. Would he pull up into your driveway and just  
12 pick you up?

13 A Usually.

14 Q Your mom ever notice this?

15 A No.

16 Q Step father?

17 A They don't pay attention.

18 Q They just weren't paying attention?

19 A No.

20 Q Your mom never asked a question like whose car is  
21 that or who's picking you up?

22 A Nope.

23 Q Now, you mentioned earlier the December winter  
24 break and Christmas falling in that time frame. During that  
25 winter break do you remember about how many days you spent at

1 Mr. Puglisi's apartment?

2 A I don't know.

3 Q Okay. Did you spend any of those days overnight at  
4 his apartment?

5 A Yes.

6 Q And I take it you told your mom and step father you  
7 were at Kelsey's?

8 A Yes.

9 Q And during this time when you're spending overnight  
10 at Mr. Puglisi's, did you and he engage in sexual  
11 intercourse?

12 A Sometimes.

13 Q And, Hillary, I don't want to, you know -- I'm  
14 simply trying to establish and ask you, other than sexual  
15 intercourse, did you and he engage in other types of sexual  
16 acts?

17 A No.

18 Q Just sexual intercourse?

19 A Right.

20 Q Okay. And during the times that you engaged in  
21 sexual intercourse with him, was it ever anywhere other than  
22 his apartment?

23 A No.

24 Q Now, Hillary, do you remember the ice storm day,  
25 January 7, and you and your mom having a very heated

1 argument?

2 A Yeah.

3 Q Okay. What was it that you wanted to do on that  
4 day, the day of the ice storm?

5 A Go out.

6 Q Go where?

7 A I don't know. Anywhere. Not home.

8 Q Okay. Did you have any plan to meet Mr. Puglisi  
9 that day?

10 A No.

11 Q What was it that you and your mom got into an  
12 argument about?

13 A I wanted to go out she didn't want me to.

14 Q Okay. And how would you describe that argument  
15 that you and she had? How would you describe it? Was it a  
16 friendly conversation, was it a serious conversation? I  
17 don't want to put words in your mouth. I'm just asking how  
18 would you describe it.

19 A We were fighting. Yelling.

20 Q Okay. And how did that -- how did that event end,  
21 what happened in the end?

22 A She told me to pack my bag and get out, so I called  
23 John.

24 Q Okay. And when you called Mr. Puglisi what  
25 happened, what did he do then?

1           A     I asked him to come get me.

2           Q     Did he?

3           A     Yeah.

4           Q     Where did he pick you up?

5           A     Down the road.

6           Q     Didn't come up in your driveway?

7           A     I wasn't at my house at that point.

8           Q     Okay. You were already outside waiting for him?

9           A     I just left right after.

10          Q     After he picked you up, where did you go then?

11          A     To his house.

12          Q     Same apartment in Endicott?

13          A     Yeah.

14          Q     And while you were at his house, Hillary, while you

15     were at his apartment, did his cellphone ring and at some

16     point you answered it?

17          A     Yeah.

18          Q     Why did you answer the phone?

19          A     Because I knew the number.

20          Q     What does that mean, you knew the number?

21          A     It was my mom's friend's phone number.

22          Q     Do you know which friend you're referring to?

23          A     Zach.

24          Q     In relation to your mom, who is Zach?

25          A     Her friend.



1           Q     Okay. Does he work with her or they're just  
2 friends?

3           A     No. Friends.

4           Q     So you recognized Zach's phone number on the caller  
5 ID?

6           A     Yeah.

7           Q     And what happened when you picked up that phone?

8           A     He asked to talk to John.

9           Q     Okay. When you, in addition to the number, when  
10 you answered it, did you recognize his voice?

11          A     Yeah.

12          Q     And what did you do when he asked to speak to  
13 Mr. Puglisi?

14          A     I gave John the phone.

15          Q     Okay. Did Mr. Puglisi engage in a conversation  
16 with Zach?

17          A     Yeah.

18          Q     Okay. Could you hear what Mr. Puglisi was saying  
19 to Zach?

20          A     Yeah.

21          Q     What was he saying?

22          A     I don't know. I don't remember.

23          Q     Okay. Could you hear what the conversation was  
24 about?

25          A     Yeah.

1 Q What was the conversation about?

2 A Me.

3 Q Okay. Any idea how long it took for Zach and  
4 Mr. Puglisi to talk?

5 A A couple minutes.

6 Q Okay. And what happened at some point after  
7 Mr. Puglisi and Zach were finished talking, what happened  
8 then?

9 A I went home.

10 Q Prior to you going home, was there any discussion  
11 with you and Mr. Puglisi about what you were going to say to  
12 your mom?

13 A Well, while he was on the phone I was telling him  
14 what to say I mean, and then we talked about it after.

15 Q What was the story that you were going to tell your  
16 mom?

17 A That I was with some kid named Seth who doesn't  
18 exist but that it was his step son or something.

19 Q Okay. I take it this was all made up?

20 A Yeah.

21 Q There is no step son, there's nobody named Seth?

22 A Right.

23 Q So you and Mr. Puglisi talk about this before he  
24 takes you home?

25 A Yeah.

1           Q     And this is the story that you're going to tell  
2 your mom?

3           A     Yes.

4           Q     And then how did you get home?

5           A     He drove me.

6           Q     And when you got home, was your mom there?

7           A     Yeah.

8           Q     Did you talk -- and did you and your mom talk about  
9 what just occurred, Zach calling Mr. Puglisi's number?

10          A     Not right away.

11          Q     Okay. Did you guys talk about it at some point  
12 that day?

13          A     Yeah.

14          Q     And did you, in fact, tell your mom this story  
15 about Seth, this made up person?

16          A     Yeah.

17          Q     I take it you made it sound like you were really  
18 seeing some teenager named Seth and that was why you were  
19 contacting this phone number that came back to Mr. Puglisi?

20          A     Yeah.

21          Q     When you talked with your mom when you came back  
22 home, what was your impression? Did she believe what you  
23 were saying to her?

24          A     Not at first. Eventually she started to.

25          Q     Okay. Now, what happened on that date, still

1 talking about the day of the ice storm as far as your AT&T  
2 cellphone?

3 A She cancelled it.

4 Q Okay. Who cancelled it?

5 A My mom.

6 Q She took it away from you?

7 A No. She just called and cancelled it so I couldn't  
8 use it.

9 Q Cancelled that line --

10 A Yeah.

11 Q -- so it wasn't going to work?

12 A Right.

13 Q Now, the day after the ice storm, Hillary, that  
14 being January 8, 2009, were you in the classroom,  
15 Mr. Puglisi's classroom when he sent an e-mail to your mom?

16 A Yeah.

17 Q Okay. And were you there when he typed the e-mail?

18 A Yeah.

19 Q And were you able to read what he was typing in?

20 A Yeah.

21 Q Okay. I'm going to show you what's -- I'm going to  
22 show you Exhibit 11 that's already in evidence. If you can  
23 just take a look at that. Do you recognize that?

24 A Yeah.

25 Q What is that?

1           A     The e-mail he sent.

2           Q     Okay. So he sends this e-mail to your mom and I  
3 take it in the e-mail that you have in front of you he again  
4 talks about this Seth person, that this is why you were  
5 calling his phone number and all that kind of stuff or  
6 texting his phone number?

7           A     Yeah.

8           Q     Now, Hillary, after your mom took your AT&T  
9 cellphone, excuse me, or cancelled the line on your AT&T  
10 cellphone, did you at some point soon thereafter get another  
11 phone?

12          A     Yeah.

13          Q     Who gave you the phone?

14          A     John.

15          Q     Mr. Puglisi?

16          A     Yeah.

17          Q     What kind of a phone was it?

18          A     TracFone.

19          Q     Okay. And did he give you one phone or give you  
20 more than one phone on the first time that he handed you a  
21 phone?

22          A     One.

23          Q     And why was he giving you a Trac cellphone?

24          A     So we could keep talking.

25          Q     So you and he could keep communicating?

1 A Yeah.

2 Q And the first TracFone that he gave you, did you  
3 and he then text each other back and forth?

4 A Yeah.

5 Q And did there come a point in time where he gave  
6 you another phone?

7 A Yeah.

8 Q What was the second phone he gave you?

9 A TracFone.

10 Q And why was he giving you a second TracFone?

11 A Because my minutes ran out.

12 Q Your minutes on the first phone?

13 A Yeah.

14 Q Okay. And I take it then after he gave you the  
15 second TracFone, you and he continued texting each other on  
16 the TracFones?

17 A Yeah.

18 Q Now, the two TracFones that you got from  
19 Mr. Puglisi, did either of those two TracFones have a camera  
20 attached to it?

21 A No.

22 Q Okay. And I think I asked you already that your  
23 AT&T phone had a camera attached to it?

24 A Yeah.

25 Q Okay. Hillary, I'm going to show you what's been

1 marked, excuse me, what's in evidence there as Government  
2 Exhibit 6. If you can just take a look at those two phones.  
3 Do you recognize what they are?

4 A Yes.

5 Q What are those?

6 A TracFones.

7 Q TracFones that Mr. Puglisi gave you?

8 A Yeah.

9 Q At some point did you provide those TracFones to  
10 the New York State Police?

11 A Yeah.

12 Q Now, when the police first asked you about the  
13 TracFones, did you initially give it to them?

14 A No.

15 Q How come?

16 A Because I didn't want them to have it.

17 Q Where were the TracFones at the time they asked for  
18 them? What did you tell them, let me ask you that first?

19 A I told them I threw them out.

20 Q That was not true, is that correct?

21 A Right.

22 Q And where were they when you told the police that  
23 you had thrown them out, where were they actually?

24 A In my room.

25 Q But you did eventually hand them over to the New

1 York State Police?

2 A Yeah.

3 Q Now, when Mr. Puglisi gave you the two TracFones,  
4 first one and the second one, did you tell your mom about the  
5 fact that he gave you these phones?

6 A No.

7 Q To your knowledge did she know about these phones?

8 A No.

9 Q Now, a little while ago I just finished talking a  
10 little bit about the January 8 date that you were in  
11 Mr. Puglisi's classroom when you sent that Exhibit 11 to your  
12 mom, do you remember that?

13 A Yeah.

14 Q The next day on January 9, did you learn from  
15 Mr. Puglisi about a meeting that he had with the principal?

16 A Yeah.

17 Q What did he tell you?

18 A That he met with the principal.

19 Q You're going to have to speak into the microphone.

20 A That he met with the principal and he was told to  
21 stop talking to me basically.

22 Q Do you recall, were some of these conversations  
23 person to person between you and Mr. Puglisi?

24 A Yeah.

25 Q Do you recall if some of these were also by way of



1     texting?

2             A     I don't know.

3             Q     Okay.  Do you recall you and he discussing about  
4     you have to go top secret?

5             A     Yeah.

6             Q     What did that mean to you?

7             A     Can't talk as much in school.

8             Q     Okay.  I take it you and Mr. Puglisi both were  
9     trying not to have people know what you were involved in  
10    doing?

11            A     Right.

12            Q     Now, after January 9 when Mr. Puglisi told you  
13    about this meeting with the principal, did he stop texting  
14    you?

15            A     No.

16            Q     Did you stop texting him?

17            A     No.

18            Q     And I take it during this time you and he continued  
19    to communicate by one of those two TracFones?

20            A     Yeah.

21            Q     Now, were there ever occasions, Hillary, when you  
22    were at home that you would text Mr. Puglisi from a computer?

23            A     Yeah.

24            Q     Okay.  How did that work, how did you send him a  
25    text from your computer?

1           A     Instant messenger.

2           Q     Okay. And the instant messaging is provided by  
3 whom on the computer system?

4           A     AOL.

5           Q     Okay. And why was it that when you were at home  
6 sometimes that you would use the computer instead of a phone  
7 that you had?

8           A     I didn't have good service at home.

9           Q     Okay. So sometimes the phone wouldn't work?

10          A     Basically.

11          Q     Okay. Hillary, I'd like to talk about the time  
12 period that I'll identify for you and that is from the time  
13 that you and Mr. Puglisi began to engage in a sexual  
14 relationship all the way through Friday, January 23, 2009.  
15 Okay. So that's the time period I want to ask you some  
16 questions.

17                 Did Mr. Puglisi ever take you anywhere out to eat  
18 dinner and stuff?

19          A     Yeah.

20          Q     Where would you guys go?

21          A     PA.

22          Q     Why did you go to PA?

23          A     Because we couldn't go out around here.

24          Q     Okay. So that somebody -- you wouldn't run into  
25 somebody that knew either you or knew him?

1 A Right.

2 Q How far in PA did you guys go, location, how far?

3 A I think it was Scranton. I don't know.

4 Q Okay.

5 A It was like an hour away maybe.

6 Q Okay. How often did you go to PA?

7 A A few times.

8 Q Okay. And what kind of things did you and  
9 Mr. Puglisi do there?

10 A We'd go out to dinner, go shopping or something.

11 Q Okay. And I take it Mr. Puglisi paid for these  
12 things that you went to do with him?

13 A Yeah.

14 Q Did you ever go -- did he ever take you, did you go  
15 shopping with him?

16 A Yeah.

17 Q Where did you go shopping, like what place, what  
18 location, what store?

19 A Different ones every time.

20 Q Was it locally or would you drive a little ways?

21 A Drive.

22 Q Okay. Did he ever take you to the Syracuse mall?

23 A Yeah.

24 Q Did he ever take you down to PA to go the malls  
25 down there?

1 A Yeah.

2 Q And when he took you shopping, what kind of stuff  
3 did you buy, what kind of stuff did you shop for?

4 A Clothes usually.

5 Q Okay. Did you ever buy lingerie, underwear, bras,  
6 things like that when were you shopping with him?

7 A No.

8 Q Did you ever buy those things?

9 A Yeah.

10 Q Did he ever give you money like when you went  
11 shopping by yourself or with a friend?

12 A Yeah.

13 Q How much money -- when I say did he give you money  
14 on a few occasions, how would you describe that?

15 A I think once.

16 Q How much money did he give you?

17 A I don't know.

18 Q Did you ever go shopping with Kelsey where you  
19 actually paid for some things that Kelsey wanted to get in  
20 using Mr. Puglisi's money?

21 A Yeah.

22 Q During this time did Mr. Puglisi ever buy you  
23 cigarettes?

24 A Once, I think.

25 Q Okay. I take it you were smoking at this time?

1           A     Yeah.

2           Q     All right. Do you remember an occasion when you  
3 were in school and you sent him a text that you and Kelsey  
4 ran out of cigarettes?

5           A     I don't know.

6           Q     Did he ever get you cigarettes that he put  
7 somewhere for you to retrieve at school?

8           A     Yes.

9           Q     Where did he put them?

10          A     I don't know.

11          Q     Do you ever remember going into the coat pocket to  
12 retrieve a pack of cigarettes?

13          A     Yeah, I guess.

14          Q     Okay. Was that not uncommon for him to get you  
15 cigarettes if you wanted them?

16          A     No, it was uncommon. He didn't like that I smoked  
17 so I didn't --

18          Q     Hillary, during this time I'm talking about between  
19 December of 2008 and January 23 of 2009, did Mr. Puglisi from  
20 time to time in the mornings text you and ask you what you  
21 wanted for lunch?

22          A     Yeah.

23          Q     He made you lunch?

24          A     Sometimes.

25          Q     Sometimes he actually went out and bought you

1 lunch?

2 A Yep.

3 Q Brought you back Subway sandwiches?

4 A Yeah.

5 Q When he either brought the lunch or bought it,  
6 where did he put it that you would pick up the lunch?

7 A The fridge in his room.

8 Q I take it you would just go right in?

9 A Take it and leave.

10 Q Take it and leave the room?

11 A Yep.

12 Q Hillary, was there an occasion where you asked and  
13 actually texted Mr. Puglisi about him writing you a note to  
14 leave school early and to sign your step dad's name?

15 A Yeah.

16 Q Why was it that you were asking him to write you a  
17 note?

18 A So I could leave like 15 minutes early.

19 Q And did he even, at that point, did he ask you how  
20 to spell your step dad's last name?

21 A Yeah.

22 Q And did he write the note for you?

23 A Yeah.

24 Q So he forged your step dad's signature?

25 A Yeah.

1 Q And did he -- did he leave this note or did he give  
2 it to you?

3 A I think he left it.

4 Q Do you remember where it was that he left it for  
5 you?

6 A No. Somewhere in his room.

7 Q Did you end up using that note to get out of school  
8 early?

9 A No.

10 Q How come?

11 A His handwriting looks like a four year old.

12 Q You didn't like the quality of the note?

13 A Right.

14 Q What did you do then?

15 A I wrote one myself.

16 Q Okay. You asked him, he did it and then you ended  
17 up not using it?

18 A Right.

19 Q Now, Hillary, I'm going to talk about a date,  
20 January 17 of 2009. And on that date do you recall getting a  
21 third telephone from Mr. Puglisi? When I say third, so far  
22 we have been talking about the two TracFones. This is a  
23 third phone.

24 A I don't know when I got it.

25 Q Okay. Do you remember a date that did occur where

1 you got this next phone from him?

2 A Yeah.

3 Q Okay. Well, the two TracFones that you have. The  
4 first one you indicated ran out of minutes so you got the  
5 second one?

6 A Right.

7 Q Okay. What happened with that second TracFone?  
8 Did you continue to use that or something happen that you  
9 weren't able to use it?

10 A No. I stopped using it.

11 Q Okay. And why was it that you got from him another  
12 phone?

13 A TracFones were too expensive.

14 Q Okay. And this next phone that he gave you, what  
15 kind of a phone was that?

16 A I don't know.

17 Q Okay. Did he tell you where he was going to  
18 purchase it?

19 A No.

20 Q Did you text him or did he text you about him going  
21 to the Verizon store?

22 A He might of.

23 Q Did you get this phone from him?

24 A Yeah.

25 Q Where did you get it from?



1 A At his house.

2 Q And how did you get to his house?

3 A I drove there.

4 Q Was anybody with you?

5 A Kelsey.

6 Q And did you go inside or did he come outside?

7 A He came outside.

8 Q And did he hand you the phone?

9 A Yeah.

10 Q Did he give you anything else besides the phone on  
11 that date?

12 A Yeah.

13 Q What else did he give you?

14 A A couple hoodies.

15 Q I'm sorry?

16 A A couple hoodies. Some candy.

17 Q Clothes?

18 A Yeah.

19 Q Did he give you any cigarettes on that day?

20 A I don't know.

21 Q Okay. Now, this phone that he gave to you, did  
22 this phone have a camera on it?

23 A Yeah.

24 Q And after the second TracFone, well let me back up  
25 a little bit, Hillary.

1           How did it come to be that you got this phone? Did  
2 you talk to him or he talk to you? How did that happen that  
3 you got a third phone, another phone?

4           A     I don't know what you're asking.

5           Q     Okay. One day you go to his house and he's got a  
6 phone for you?

7           A     Right.

8           Q     This phone now with the camera on it, right?

9           A     Right.

10          Q     What happened, he called you and said, hey, I got  
11 your phone or did you call him and say my minutes are running  
12 out, can I get another phone? How did that go?

13          A     We just talked about it.

14          Q     Speak into the microphone.

15          A     We talked about it and figured out that TracFones  
16 were too expensive and decided to get a regular one with a  
17 plan.

18          Q     Okay. Did he tell you what plan he put that phone  
19 on that he was giving you?

20          A     On his.

21          Q     On his plan?

22          A     Yeah.

23          Q     And after he gives you this phone that now we are  
24 talking about, I'm calling it the third phone, did you and he  
25 then continue to communicate by this phone?

1 A Yes.

2 Q And this phone we're talking about now, I'll just  
3 call it the third phone so we're clear, did you have that  
4 phone up until Friday, January 23?

5 A Yeah.

6 Q Hillary, I'd next like to talk about a very  
7 specific time frame, January 17 approximately of 2009 up  
8 until Friday, January 23. So about a nine or ten-day period.  
9 Okay. During this time period were you and Mr. Puglisi  
10 texting each other on that third phone that I just talked  
11 about?

12 A Yeah.

13 Q And that phone you indicated had a camera?

14 A Right.

15 Q And did you on occasions with that phone take  
16 pictures of yourself and send it to Mr. Puglisi?

17 A Yeah.

18 Q How would you take the picture of yourself?

19 A In the mirror.

20 Q So it would be like a reflection off the mirror?

21 A Yeah.

22 Q And then how would you send him that picture?

23 A Put it in a text.

24 Q Okay. I know most of us know what you're talking  
25 about. So, you took a picture, you saved it to your phone

1 and then attached it to a text and you would send it?

2 A Right.

3 Q Do you recall how many pictures you took of  
4 yourself between the time that you got this phone and  
5 January 23?

6 A No.

7 Q Okay. Would you say it was a few, a lot, several,  
8 how would you describe it?

9 A I don't know.

10 Q Okay. Would you agree there were a number of  
11 occasions where you and he were texting and you would send  
12 him a photo of yourself?

13 A Yeah, sometimes.

14 Q Okay. Do you remember during these texts  
15 Mr. Puglisi asking you for naked pictures?

16 A Yeah.

17 Q Do you remember him asking for pictures of a  
18 certain type of yourself, like asking you to do certain  
19 things, either be on your knees or things of that sort?

20 A Yeah.

21 Q Okay. Now, did you send him pictures of yourself  
22 in various stages of undress?

23 A Depends what you mean by that.

24 Q The pictures you sent him, what were you wearing  
25 when you sent these pictures?

1           A     Depends which ones.

2           Q     Okay. Did you send him pictures where you have  
3 only a bra and underwear on?

4           A     Yeah.

5           Q     Did you send him pictures where you have only a bra  
6 on?

7           A     No.

8           Q     Only a bottom?

9           A     No.

10          Q     Did you send him pictures where you're touching  
11 yourself from the genital area?

12          A     No.

13          Q     Where you're putting your hands on either your  
14 breasts or any part of your genitals?

15          A     No.

16          Q     Okay. In texting when you and he texted back, were  
17 there ever occasions when you would text him that you're  
18 getting cold, that you'd like to put your clothes on?

19          A     Well, it was the middle of the winter. If I was in  
20 a bra and underwear it was kind of cold, so yeah.

21          Q     So the pictures that you sent to him, were these  
22 picture poses that you posed in and sent to him?

23          A     No, not usually. I was just standing there.

24          Q     All right. Did he comment about these pictures  
25 that you would send him?

1 A Yeah.

2 Q What kind of comments would he send you back?

3 A I don't know.

4 Q Well, did he send you comments back saying you  
5 looked really hot?

6 A Yeah.

7 Q Sexy?

8 A Yeah.

9 Q Did he send you comments back that he was  
10 masturbating?

11 A Once, maybe.

12 Q Did he send you comments back about what he wanted  
13 to do when he saw you when you sent him these pictures?

14 A Yeah.

15 Q Did Mr. Puglisi and you took, excuse me, text each  
16 other about explicit sexual things that you wanted to do when  
17 you finally got together at his apartment?

18 A Yeah.

19 Q Were these things from time to time late at night  
20 or early morning hours that you and he would text back and  
21 forth?

22 A Not until like the last week before he got  
23 arrested.

24 Q So up to about in the last week or so?

25 A Yeah.

1 Q Okay. And I take it that when you were together  
2 you did engage in sexual things that you guys texted back and  
3 forth to each other?

4 A No, not really.

5 Q You guys didn't have sexual intercourse?

6 A We had sex but not like everything we talked about.

7 Q Okay. Did he ever ask you to do other things?

8 A No.

9 Q Did he talk to you or text you about doing other  
10 things?

11 A Yeah.

12 Q In some of those texts did he ask you to send  
13 certain kinds of pictures that you may not have sent him but  
14 he was asking you to do it?

15 A Yeah.

16 MR. ACCARDI: I'm going to object to the  
17 general characterization, if he can be more specific of what  
18 kind of picture he's asking for. It leaves everybody to  
19 guess what he's talking about.

20 THE COURT: I think it probably should be a  
21 little more specific.

22 MR. LOVRIC: I'd be happy to read a couple of  
23 texts, Judge.

24 BY MR. LOVRIC:

25 Q Hillary, between the time that you received the

1 third phone and Friday, January 23, were there occasions when  
2 Mr. Puglisi sent you a text during that time frame and he  
3 wanted you to send him naked pictures of yourself?

4 A Jokingly, yes.

5 Q He jokingly asked for naked pictures?

6 A Yeah. He knew I wouldn't but it wasn't a secret.

7 Q So, he repeatedly kept asking for naked pictures  
8 and telling you how hot you looked?

9 A Right.

10 Q But it was just a joke?

11 A Yeah.

12 Q When he would send you these text messages and send  
13 you it very late at night text messages about what he wants  
14 to do when he sees you, these were all just jokes?

15 A Well, not all of them but he knew I wasn't going to  
16 send him naked pictures. It wasn't like he was seriously  
17 trying to get me to do it.

18 Q But he kept asking for them?

19 A Oh, yeah.

20 Q I'm sorry?

21 A I said yeah.

22 Q Friday, January 23, okay, on that date do you know  
23 which day I'm talking about now?

24 A Yeah.

25 Q On that date Mr. Puglisi was arrested?



1           A     Yep.

2           Q     How did you first learn that the New York State  
3 Police was involved in investigating, how did you first learn  
4 that on Friday the 23rd?

5           A     He told me.

6           Q     Okay. Where did he tell you that?

7           A     In the hallway.

8           Q     And how was this that you came to talk to him in  
9 the hallway?

10          A     I told him -- he told me to come out into the  
11 hallway.

12          Q     Okay. He sent you a text?

13          A     Yeah.

14          Q     What did he tell you when you went in the hallway?

15          A     That the police were at Kristen's house looking at  
16 the phone records.

17          Q     Okay. Kristen being who?

18          A     His wife.

19          Q     And how did he know or excuse me. Did he tell you  
20 how it was that he knew that the police were at his wife's  
21 house, Kristen's house?

22          A     She called him.

23          Q     And did he tell you what it was that she told them?

24                   MR. ACCARDI: Objection, that would be  
25 hearsay.

1 THE COURT: Sustained.

2 MR. LOVRIC: I'm asking for the defendant's  
3 statement. What she said for this witness.

4 THE COURT: I thought you were asking for  
5 Kristen's statement.

6 MR. ACCARDI: That's what I believe he was  
7 asking for.

8 THE COURT: That's what it sounded like to me.  
9 Rephrase the question.

10 BY MR. LOVRIC:

11 Q Hillary, I'm asking what Mr. Puglisi said to you,  
12 okay.

13 A He told me the cops were at Kristen's house.

14 Q Okay. Why was he telling you that the cops were at  
15 Kristen's? You're standing in the hallway talking to him in  
16 the morning hours of Friday the 23rd, why is he telling you  
17 this?

18 A Because it involved me.

19 Q Okay. What, if anything, did he say he wanted you  
20 to do or not do?

21 A He didn't.

22 Q Okay. Is that the way the conversation kind of  
23 just happened and ended?

24 A Yeah. It was just -- he told me.

25 Q What did you do after he asked you to come in the

1 hallway and you and he talked, where did you go then?

2 A Back to the library.

3 Q Okay. And did you then at some point get any kind  
4 of a communication from Kristen?

5 A Before we talked, yeah.

6 Q Okay. So before Mr. Puglisi asked you to come in  
7 the hallway, am I getting that right?

8 A Yeah.

9 Q Okay. How did you get a communication from  
10 Kristen?

11 A She texted me and called.

12 Q Okay. What did the text say?

13 A Give the phone back sweetheart.

14 Q How did you know it was his wife?

15 A Because he told me.

16 Q Told you?

17 A Found out it was her after.

18 Q When you were in the hallway?

19 A Well, I texted him and told him that she texted and  
20 called.

21 Q Okay. Now, what did you do with that phone, the  
22 third phone that I've been talking about, the phone that's on  
23 Mr. Puglisi's account?

24 A When?

25 Q On Friday the 23rd.

1 A I put it on his desk.

2 Q Why did you put it on his desk?

3 A Because he told Kelsey to tell me to put it on his  
4 desk.

5 Q And what happened, you went to his classroom --

6 A Yep.

7 Q -- and put the phone on his desk? Was he there?

8 A He was on the other side of the room, but yeah.

9 Q Okay. Were there students in this classroom?

10 A I think it was in between classes so it might have  
11 been coming in and out.

12 Q Okay. You walked into his classroom and where's  
13 Mr. Puglisi?

14 A By the window.

15 Q Okay. Do you look at him, does he look at you?

16 A Yeah.

17 Q Does he say anything to you?

18 A No.

19 Q And what did you do with that phone?

20 A Set it on his desk.

21 Q And when you put it on his desk is he looking at  
22 you when you do that?

23 A I don't know.

24 Q Okay. And did you ever see that phone after that?

25 A No.

1 Q Do you know what happened to it?

2 A No.

3 Q Did you ever have that phone after that?

4 A No.

5 Q Do you know where and what happened to that  
6 telephone after that?

7 A No.

8 Q Hillary, how do you feel about Mr. Puglisi today?

9 A The same as I did in January.

10 Q Okay. Same as when all of this went on and  
11 started?

12 A Yeah.

13 Q Okay.

14 MR. LOVRIC: That's all I have, Judge.

15 THE COURT: Okay. Mr. Accardi.

16 MR. ACCARDI: Judge, can we take just a short  
17 break?

18 THE COURT: Sure. Want to stand aside, ladies  
19 and gentlemen, for a short recess.

20 (Jury excused).

21 (Short break taken).

22 (Jury present).

23 THE COURT: Okay, Mr. Accardi.

24

25

1 CROSS-EXAMINATION

2 BY MR. ACCARDI:

3 Q Miss Pratt, I represent John. My name is Vincent  
4 Accardi. If I ask you any questions you don't understand,  
5 please don't hesitate to ask if I can clarify it. I'd like  
6 to get one thing in the beginning. The relationship you had  
7 with John, was that as a result of text messages that you  
8 were exchanging back and forth?

9 A No.

10 Q And let me first ask you a little bit about  
11 yourself. You said you're at Newark Valley, you're finishing  
12 up during the summer?

13 A Yeah.

14 Q What are your plans in the fall?

15 A I'm going to BCC.

16 Q And you've already been accepted?

17 A Yeah.

18 Q So you'll be a college freshman in the fall?

19 A Yes.

20 Q And you turned 17 in March?

21 A Right.

22 Q How did you get to where you were able to graduate  
23 in the summer, were you accelerated at some place?

24 A Yeah. I've been in advanced classes since the  
25 beginning of high school so I already had all of the credits

1 and everything.

2 Q When you were -- the beginning of January, would  
3 you have been considered then a senior as far as credit wise?

4 A No. I was still a junior.

5 Q But you had enough credits and you were further  
6 along?

7 A Right.

8 Q Miss Pratt, we have spoken on occasion, correct?

9 A Yes.

10 Q Do you remember the very first thing I told you  
11 when I met you?

12 A That I don't have to talk to you.

13 Q Right. So we have had some contact previous before  
14 coming to Court?

15 A Yeah.

16 Q And what else did I also tell you about the nature  
17 of any of your answers?

18 A I don't remember.

19 Q Okay. Did I tell you to give any specific answers  
20 or did I tell you to just answer?

21 A No, just answer honestly.

22 Q Okay. So, honestly, then the fact that you texted  
23 with John, what roll did that have in your relationship?

24 A None.

25 Q Did it cause the relationship?

1 A No.

2 Q Now, you had testified in a grand jury in Broome  
3 County Court?

4 A Yeah.

5 Q And grand jurors had a chance to ask you questions?

6 A Yeah.

7 Q As a matter of fact somebody asked you whether or  
8 not John had ever forced you to have sex with him and you had  
9 said no?

10 A Right.

11 Q But you were in a position where people asked you  
12 questions about this?

13 A Right.

14 Q With the federal charge, were you ever called as a  
15 witness before a federal grand jury?

16 A No.

17 Q All right. So you never described to a federal  
18 grand jury the pictures that you sent to John?

19 A No.

20 Q And no one was ever in a position to ask you the  
21 questions as to what the nature of the pictures were?

22 A No.

23 Q I'll get to the pictures at some point. The US  
24 Attorney kind of covered a long period of time. I'm going to  
25 do it too, so different questions may be at different parts



1 and I just ask, if you don't understand the question just  
2 answer -- just ask me to rephrase it.

3 The beginning of this school year and I think  
4 you've already established that John was not a teacher of  
5 yours nor was he ever a coach?

6 A Right.

7 Q So the first time you actually start to have  
8 contact with him is September of 2008 school year?

9 A Yeah.

10 Q You were aware of him previously but had you ever  
11 had any face-to-face discussions or conversations even?

12 A No.

13 Q How does it come about then at the beginning of  
14 this year in September that you do start to have some  
15 contact?

16 A As I said, Kelsey needed passes and I'd go with her  
17 to -- when she got them.

18 Q And was Kelsey -- Kelsey was a former student of  
19 John's previously?

20 A Yes.

21 Q Not this current year but past school years?

22 A Yeah.

23 Q And had you ever talked about John with Kelsey  
24 before actually meeting him?

25 A Yeah.

1           Q     What would that have been, what would the nature of  
2     that have been?

3           A     Well, she pointed him out to me because she thought  
4     he was really cute so I kind of started noticing him from  
5     her.

6           Q     Okay. Now, if there's a characterization that this  
7     relationship between you and John was the result or only a  
8     crush or an infatuation, puppy love, what would your -- what  
9     would your position be on that?

10          A     I don't understand.

11          Q     All right. If somebody said listen, you're just a  
12     16-year-old school girl infatuated with her teacher, you've  
13     got a crush on him, you don't understand true love, how would  
14     you answer that?

15          A     That's not correct.

16          Q     Okay. All right. Let's get to how does that --  
17     let me ask you, as of January 23, when John was arrested, how  
18     would you say -- how would you characterize your relationship  
19     with him, your feelings with him and what you perceived his  
20     to be towards you?

21          A     I loved him and he loved me.

22          Q     And there were times during the text messages where  
23     you would talk about future plans and I assume you also  
24     talked about those in person?

25          A     Right.

1           Q     And what was your feelings as far as whether there  
2 was some future here?

3           A     I always hoped there was.

4           Q     And as you knew he was separated from his wife when  
5 you start seeing him on a regular basis?

6           A     Right.

7           Q     All right. I guess what I would like to know and I  
8 assume the jury would want to know, how does this get then  
9 from where you just start coming into his room in September,  
10 talking on a regular basis, hi, how are you, you know, Kelsey  
11 needs a pass, have a nice day, to January 23 where he's  
12 arrested for having a relationship with you and then you're  
13 saying, listen, this is somebody that I'm in love with and I  
14 believe he's in love with me. How far does that relationship  
15 mature from the initial contact to where it is in January?

16          A     We gradually started talking more and more after  
17 the first couple times and I'd go into his room any chance I  
18 had to talk to him and after a while it started getting more  
19 personal.

20          Q     Now, was he also -- what lunch period did you have?

21          A     Sixth.

22          Q     And was he -- did he have any connection with that?

23          A     Yeah, he was the -- I don't know what you call it.  
24 Like a monitor, I guess, for the lunch.

25          Q     All right. So in that context did you have an

1 opportunity to talk to him as well there?

2 A Yeah.

3 Q Now, was it not uncommon for -- let me ask you  
4 this: Is Newark Valley set up where the teachers are  
5 assigned a room and the class -- students rotate to the rooms  
6 depending on the subject?

7 A Yeah.

8 Q So you always knew where an individual teacher  
9 would be?

10 A Right.

11 Q Was it uncommon for people who were not in  
12 Mr. Puglisi's class to stop by and talk with him?

13 A No.

14 Q No, it was not uncommon?

15 A It wasn't uncommon.

16 Q So that would happen. So at some point did you  
17 start to drop in like that as well?

18 A Yeah.

19 Q How did the relationship then develop from  
20 September on -- let me stop you -- let me stop myself. The  
21 questions that the Assistant US Attorney asked you said or  
22 made it sound like you get -- the first time -- very first  
23 time you text is December and that's also the very first time  
24 you go to his house. What was the connection between the  
25 text and going to his house on that date?

1           A     There wasn't. It was just form of communication.

2           Q     It wasn't how you were going to meet and  
3 directions?

4           A     Well, yeah, I gave him directions to my house.

5           Q     All right. So, when you gave him your number, was  
6 it a surprise then that he texted you?

7           A     Not really.

8           Q     All right. You had at that point already had how  
9 many face-to-face conversations?

10          A     Too many to count.

11          Q     Okay. And at that point what -- how did you start  
12 to perceive the relationship?

13          A     Before.

14          Q     When you first sent the text message to each other,  
15 would you say that you had already got to know each other  
16 pretty well?

17          A     Yeah.

18          Q     And you felt comfortable with him?

19          A     Yeah.

20          Q     What made you feel comfortable with him as opposed  
21 to just -- I think you said you didn't see him as a teacher.  
22 How was that?

23          A     We talked so much about everything personal it was  
24 like he was a good friend. I listened to what he had to say  
25 and he listened to what I had to say and we just talked.

1 Q And you felt comfortable with him?

2 A Yeah.

3 Q Did you look forward to seeing him during the day?

4 A Yeah.

5 Q Did you feel that that was mutual?

6 A Yeah.

7 Q In fact -- and there's only limited text available,  
8 I think that's all that might be available. During that  
9 period of time when you were texting, when you first had  
10 phones after the relationship began, was it uncommon for you  
11 to text each other first thing in the morning?

12 A No.

13 Q What would the nature of those conversations be or  
14 would they even be conversations?

15 A It was just like good morning, something, like  
16 you'd say to somebody in person but we weren't in person.

17 Q And at night would that be one of the last things  
18 you would do, too, is say good night?

19 A Yeah.

20 Q Now, there's a little conversation about this  
21 snowstorm in July -- it could but it hasn't happened yet. In  
22 January, the ice storm. And at that point you were not  
23 planning on seeing John?

24 A No.

25 Q You called him because you got asked to leave -- I

1 don't want to put words in your mouth. What exactly happened  
2 with your mother as far as what your understanding was as far  
3 as staying in the house at that point?

4 A She told me to get out.

5 Q Do you recall specifically what she would have said  
6 to you?

7 A In nice terms, pack your bag and get out.

8 Q In not nice terms?

9 A Pack a fucking bag and get -- or no, she said pack  
10 your shit and get the fuck out.

11 Q So at that point you had left and you were already  
12 away from the house when you called John?

13 A Yeah -- no. I called him from my room as I was  
14 packing my bags and then I left.

15 Q All right. And how long did you stay gone at that  
16 point or were you able to patch things up with your mom?

17 A Couple hours.

18 Q Okay. And, in fact, that was this other thing  
19 about the Seth conversation, the fictitious Seth. As  
20 everybody knows by now, there was no Seth, correct?

21 A Correct.

22 Q What was your role in putting the Seth story  
23 together?

24 A When he was on the phone with Zach I could tell he  
25 didn't know what to say. His apartment has like the half

1 wall upstairs so you can see downstairs and he was downstairs  
2 and I was upstairs. I just said tell him it's your son so he  
3 repeated what I said and we figured it out later.

4 Q So then the e-mail that was sent basically --

5 A It was a mutual sort of. We both kind of put it  
6 all together.

7 Q But it backed up the story you had initially told  
8 him to tell your mom's friend?

9 A Yeah.

10 Q Would you say it was common for your mom to check  
11 up on you during this period, November, December, January?

12 A No.

13 Q So if you said you were going to Kelsey's house,  
14 your friend, was there times when your mom would check with  
15 Kelsey's mother?

16 A No.

17 Q Did anyone come to Court with you today?

18 A No.

19 Q Now, there are various times that Mr. Puglisi had  
20 given you items. He gave you some money to go shopping?

21 A Yeah.

22 Q First, did he ever specifically tell you what to  
23 purchase?

24 A Oh, no.

25 Q So at one point when you give a list and a text,



1 what did you get and included in their was lingerie, wow,  
2 send pictures or something along those lines. It was not  
3 that he told you here's money, go buy lingerie?

4 A No.

5 Q You would shop in PA. Did you ever buy lingerie  
6 there?

7 A No.

8 Q So he never told you I'd like you to buy certain  
9 things?

10 A No.

11 Q In fact, when you would go shopping he would buy  
12 stuff for himself, too, right?

13 A Yeah.

14 Q Did he also buy stuff for you for -- let me ask you  
15 specifically, was there a time in PA where he purchased a  
16 gift card to a restaurant for you for your mother?

17 A Yes.

18 Q What were the circumstances on that?

19 A We were at the Olive Garden -- I think it was right  
20 before Christmas. So he asked me what I was getting my  
21 parents for Christmas and I said nothing. He told me I had  
22 to get them something because they're my parents but I didn't  
23 have any money. He said fine, he'll do it.

24 Q So he got a gift card, gave it to you and said give  
25 it to your parents for Christmas?

1 A Right.

2 Q So he was -- now that's something you told him, I  
3 don't have any money. He tells you I'll take care of it?

4 A Right.

5 Q Other times it sounded from the text messages where  
6 you may not have had money -- well, you didn't have any  
7 money, he said I'll give you money to go shopping?

8 A Right.

9 Q And you got your phone taken away, he's like I'll  
10 give you a phone so we can keep talking?

11 A Right.

12 Q The fact he's giving you these items, money, gift  
13 card for your mother's Christmas present, what role, if any,  
14 did that have with you having sex with him?

15 A None.

16 Q Some people would say oh, no, you were enticed, you  
17 were bribed --

18 A No.

19 Q -- by the fact that he was able to give you things?

20 A No. He never even bought me anything until long  
21 after any sexual stuff started. It wasn't because of it.

22 Q All right. When he started getting things for you,  
23 were you taking that because he considered you his  
24 girlfriend, you considered him your boyfriend and he wanted  
25 to do stuff for you?

1           A     Yeah.

2           Q     In fact, in one of these text messages he said I  
3 like to do stuff for you, take care of Kelsey too, since you  
4 were shopping together?

5           A     Right.

6           Q     There were some text messages that were sent --  
7 excuse me. There were some pictures that were sent in early  
8 January when you still had your other phone or maybe even  
9 earlier than that. Do you recall what they would have been?

10          A     Like the ones he sent me or the ones I sent him?

11          Q     Let's start with the ones he sent to you that you  
12 remember.

13          A     There was one right around Christmastime of his  
14 Christmas tree. Another one of his Rocky Balboa robe.

15          Q     What about some of the pictures you were sending  
16 him at that point?

17          A     I mean -- I know there was some. I'd go shopping  
18 and buy like a dress and I'd send pictures of that or shoes  
19 or something.

20          Q     In fact, there was one series of texts where you  
21 were talking that you were at, I guess, the mall and you were  
22 buying a dress for a dance and you were sending pictures and  
23 he was saying how pretty you look in that. He felt it would  
24 have been nice if he could have gone to the dance with you  
25 but obviously you couldn't do stuff like that.

1 A Right.

2 Q Was it not uncommon, you were shopping, you would  
3 take pictures of different items you were buying and send it  
4 to him?

5 A Right.

6 Q And at that point, you know, the pictures that you  
7 were asked about as far as if there was some pictures of a  
8 bra and underwear, they were sent toward the end of this  
9 period -- well, in January?

10 A Yeah.

11 Q And at that point had your relationship changed in  
12 terms of being able to be with each other?

13 A Yeah.

14 Q And specifically how?

15 A Well, after the ice storm incident my mom -- that's  
16 when she started checking up on me. So I couldn't really be  
17 with him outside of school and so the texting became more  
18 frequent.

19 Q Okay. When you say nature of change as far --

20 A What?

21 Q Did it change to include more sexual references  
22 after you were having a harder time seeing each other in  
23 person?

24 A Yeah.

25 Q When you were seeing each other in person, you were

1 having sex?

2 A What?

3 Q You were having sexual relations while you were  
4 seeing each other in December and January?

5 A Yes.

6 Q In addition to that, is that all you did was come  
7 over to my apartment, we're going to have sex all day?

8 A No.

9 Q Describe other parts of the relationship? What  
10 other things would you do?

11 A We'd watch movies and make food or go and get  
12 Chinese food. Played ping pong. We'd go on the computer and  
13 watch videos on YouTube and stuff. Just talked, hung out.

14 Q You just enjoyed being with each other?

15 A Yeah.

16 Q Now, part of the reason you would go to places like  
17 PA was because nobody knew you?

18 A Right.

19 Q In fact, one of the hardest parts of the  
20 relationship was the fact that you could not openly just be  
21 together?

22 A Yeah. It was the only thing we ever got upset  
23 about when we were together.

24 Q And upset, who was upset or why?

25 A I was usually. He was too but --

1           Q     Did you feel that you wanted to be able to spend  
2 more open time with him?

3           A     Yeah.

4           Q     The fact that he was able to go out with his  
5 friends whenever, what was your feelings about that?

6           A     I was jealous.

7           Q     Because they can say, hey, I'm John's friend here.  
8 You would have liked to be openly out with him, hey, I'm  
9 John's girlfriend?

10          A     Yeah.

11          Q     Again, how -- I know you described some of it but  
12 continue to say what happens then between when you first  
13 start to see him in September to where you decide to go to  
14 his house in December. Is that just like some instantaneous,  
15 oh my gosh, I can hang out with my teacher, this is really  
16 great as opposed to like you felt comfortable with him?

17          A     I did feel comfortable. As I said, I didn't see  
18 him as a teacher. He was never my teacher and he was just  
19 like a really good friend.

20          Q     There may have also been some references obviously,  
21 not while you're here that -- let's see if I can tell you as  
22 close as possible, accurate, whether or not a 16 year old  
23 would confuse sex for love as opposed to understanding that  
24 love -- that sex is flowing from a loving relationship. So  
25 if somebody was to say to you well, listen, you had sex with

1 him, that's why you thought you were in love. What would  
2 your reaction to that be?

3 A No. I've had sex with other people and I didn't  
4 think I was in love with them. They don't -- sex doesn't  
5 cause love.

6 Q And you realize that?

7 A Yes.

8 Q All right. So, again, I've got to be honest with  
9 you, a lot of people are going to say you're 16 years old,  
10 how could it be that you felt that you were in love with him?  
11 So how did that relationship again continue? You said you  
12 started being with him more often. You would stop by his  
13 room more. You would talk more personal. I mean, what else  
14 happens end of December where you're talking, both talking  
15 about getting together outside of school because that's in  
16 December, the first time he asks you to go and do something  
17 away from school?

18 A Yeah.

19 Q Prior to that it was just all the time you would  
20 spend talking together there?

21 A Yeah.

22 Q So what else happens during that month of October,  
23 November, to get to the point where in December you're  
24 comfortable -- where you really want to pursue the  
25 relationship and he wants to do it as well?

1           A     We just got really close over time. All the  
2 talking and -- I had a lot of free periods so I was always  
3 around him, if I could be, in school.

4           Q     Okay. Did you ever send him any videos of yourself  
5 as opposed to a picture?

6           A     No.

7           Q     And you never sent him any nude pictures?

8           A     No.

9           Q     You never sent him any pictures of your genitals or  
10 pubic area?

11          A     No.

12          Q     And he never asked you for any pictures of the  
13 genitals or pubic areas, did he?

14          A     No.

15          Q     You said in response to the US Attorney that when  
16 he would talk about nude photos, you took that as joking?

17          A     Right.

18          Q     What made you feel -- there are several references  
19 where he would say I'll send you pictures. And a lot of  
20 times you would say haha. There would be stuff -- there  
21 would have been times where he would have made a reference to  
22 send nude pictures, sometimes he would say haha. You would  
23 say no nude pictures with a smiley face. How did you -- how  
24 could you say that you always took that as he was joking?

25          A     I knew him and I know looking on the outside it



1 doesn't look like a joke but it's conversation between two  
2 people, so you can't really tell from looking from the  
3 outside in what they actually mean. It's a joke, I could  
4 tell.

5 Q And you would say you knew him and he knew you --

6 A Yeah.

7 Q -- at that point? And, in fact, if you read  
8 through some of the texts you can get the banter back and  
9 forth as opposed to send me nude pictures. No, he's angry.  
10 Did you ever get that impression he's angry because you  
11 didn't send him nude pictures?

12 A No.

13 Q Again, when you -- when you can't be together as  
14 much and you had been used to being together through I guess  
15 December, January, again the relationship takes on more of a  
16 sexual context, text message towards the end. Was that like  
17 a substitute for not like being able to be together?

18 A Yeah, basically.

19 Q And during the Christmas break did you spend a fair  
20 amount of time with John?

21 A Yeah.

22 Q How would you describe that period of time?

23 A What do you mean?

24 Q Well, was that something that was stressful, was it  
25 happy time?

1 A No.

2 Q Did you continue to get to know each other more?

3 A Well, obviously we continued to get to know each  
4 other more as time went on, we always did. No, it was happy.

5 Q So the text messages that's happening toward the  
6 end, right before he gets arrested on the 17th, did you have  
7 a chance to go through the 17th at all with the US Attorney  
8 prior to today?

9 A No.

10 Q You know the one where he's talking about a lot of  
11 pictures being sent back and forth and it's extremely sexual  
12 in nature?

13 A Yeah.

14 Q What you're discussing doing, is there anything  
15 being discussed in the text messages that you haven't already  
16 done together?

17 A No, I don't think so.

18 Q So, the text messages were a continuation of your  
19 relationship in a different context in that you were not  
20 together?

21 A Right.

22 Q This relationship is not based on the fact that  
23 he's giving you money to go shopping, that he's buying you  
24 cigarettes, that he leaves a note for you to try and get you  
25 out of school early?

1 A No.

2 Q In fact, on that day you went to a birthday party.  
3 Do you recall whether or not that was the day you went to the  
4 party later that night?

5 A I don't remember what day it was.

6 Q Okay. But in any event you were looking to get out  
7 of school, what, 20 minutes early?

8 A Fifteen.

9 Q Do you recall a time where you were at a party and  
10 the way you were going to get home may have been with a  
11 person you thought had been drinking too much?

12 A I knew he had been drinking too much, but yes.

13 Q And at that point you contacted John?

14 A Right.

15 Q What was the reason why you didn't contact your  
16 parents?

17 A Oh, they were in Syracuse.

18 Q Yeah. So, John was a person who you felt  
19 comfortable being able to say I'm in a situation where I  
20 don't think I have a safe ride home and he responded?

21 A Right.

22 Q Did he take you home that night?

23 A Yes.

24 Q He didn't have sex with you, he just picked you up  
25 and took you home?

1 A Right.

2 Q Now, at one point there was a text message that  
3 said that he was going to leave a note for you and after you  
4 read it, to rip it up. Do you recall that being that he left  
5 the contents of the letter that Mrs. Arbes had given him?

6 A Yeah.

7 Q So that's what was referred to in the text that  
8 said I'm going to leave a note for you and rip it up after  
9 you read it?

10 A Right.

11 Q Now, when you had your TracFones, were you also  
12 able to text other people?

13 A Yeah.

14 Q So they were your phones, you were able to do what  
15 you wanted with them?

16 A Right.

17 Q Again, if you did not text John or John was unable  
18 to text you, would you still have had a relationship?

19 A Yeah.

20 Q And why do you say that?

21 A Because by the time we started texting I already  
22 really liked him and I knew he liked me.

23 Q And at that point you were already making plans to  
24 get together outside of school?

25 A Yeah.

1 Q That wasn't let's get together outside of school  
2 and have sex?

3 A No. It was just hang out.

4 Q And as you say the first time you were over to his  
5 house you stayed overnight but there was no sex?

6 A Right.

7 Q So by the first time you had sex with him that was  
8 a product of your having known him for several months, first  
9 talking to him on a regular basis and having some opinion  
10 that, well, this is a person I'm attracted to and I like?

11 A Yeah.

12 Q So the text messages had absolutely nothing to do  
13 with oh, yeah, that's why I end up in bed with him?

14 A No.

15 Q And as far as any text messages that were sent on  
16 the night where he's asking you to send pictures -- well, let  
17 me back up again. The pictures you sent, I know you said  
18 there were no nude pictures. As best you can recall what  
19 were the pictures of?

20 A There were some four or five where I was in a  
21 bikini because I have like four different ones.

22 Q You said bikini bathing suit?

23 A Yeah. There was some where I was in like a bra and  
24 underwear. Some where I was in underwear and a T-shirt.  
25 Just stuff like that.

1 Q Were there some of you just wearing regular  
2 outfits?

3 A Oh, yeah.

4 Q And obviously, I mean, you had been naked with John  
5 in person, correct?

6 A Yeah.

7 Q And the pictures you sent him, you had more clothes  
8 on or more attire on in those pictures than you would have  
9 when you were together in person?

10 A Right.

11 Q In fact, do you recall a text that would have been  
12 sent some time in January where there was a discussion about  
13 what you were going to wear to school. You may have said you  
14 were possibly going to wear a dress. He's like it's really  
15 cold out. You said I don't know what I'm going to wear. He  
16 said, well, you'll be amazing whatever you wear?

17 A Yeah.

18 Q John found you attractive?

19 A Yes.

20 Q Didn't matter what you were wearing?

21 A No.

22 Q So, if you had -- if you sent him a picture of you  
23 in a snow suit, he would say, wow, you look really good, you  
24 look really amazing?

25 A Yeah.

1           Q     The pictures you sent him, would you consider them  
2 pornographic in any sense?

3                   MR. LOVRIC:  Objection.

4                   THE COURT:  Sustained.

5           Q     The pictures you sent him you indicated that there  
6 was some of a bikini bathing suit, some of a bra and  
7 underwear?

8           A     Right.

9           Q     And there were some -- were there some of you in  
10 clothes?

11          A     Yeah.  Couple dresses.

12          Q     Okay.  And did that come about where he just  
13 basically said send me pictures of you?

14          A     I don't remember that night specifically.

15          Q     And there was some reference and I mean, I was  
16 uncomfortable getting into some of this as you may be, but  
17 there was some references in some of your text message to the  
18 fact that when we get together again we're going to have oral  
19 sex.  That was stuff you had already done, correct?

20          A     Yeah.

21          Q     In other words, it was nothing new that you were  
22 talking about in the text messages, was it?

23          A     No.

24          Q     You had already done that.  He's just talking about  
25 things like -- you said you already had sex.  He's talking

1 about we're going to have sex, we're going to have oral sex.  
2 It was a substitute for what you were already doing, correct?

3 A Right.

4 MR. ACCARDI: Can I have just a moment, your  
5 Honor?

6 THE COURT: Yes, you may.

7 Q Miss Pratt, did you -- you had occasion to see  
8 John's phone, correct?

9 A Yeah.

10 Q And you had talked about when your friend -- when  
11 your mom's friend called you were the one who answered the  
12 phone?

13 A Right.

14 Q All right. Prior to him being arrested and I'm  
15 talking immediately between the period of time where all the  
16 pictures were sent and the 23rd of January, do you recall  
17 ever having occasion where you would have maybe had John's  
18 phone looked at it, used it and had a chance to see if there  
19 was any of those pictures on there?

20 A Yeah.

21 Q How would it have been that you would have had his  
22 phone?

23 A When he was teaching, if I was in there he'd have  
24 his phone on the desk and I could just pick it up and look at  
25 it and I did.



1           Q     Okay.  So you specifically recall then before he  
2 was arrested looking at his phone and there being -- let me  
3 ask you:  Did you ever see any pictures of you on John's  
4 phone?

5           A     No.

6           Q     And with regard to the TracFones when originally he  
7 bought two of them, he gave you one and he kept one?

8           A     Right.

9           Q     And he gave you the second one because you were  
10 running out of minutes and did he also tell you that he had  
11 trouble texting on those little buttons on the TracFone?

12          A     He might have.

13          Q     But any way, you ended up with the second TracFone  
14 simply because your first one was running out of minutes?

15          A     Right.

16          Q     You were using that to text people besides just  
17 John?

18          A     Right.

19                   MR. ACCARDI:  One minute.

20                   THE COURT:  Okay.

21                   MR. ACCARDI:  Thank you, Miss Pratt.

22                   THE COURT:  Mr. Lovric, redirect?

23                   MR. LOVRIC:  Just a few questions, if I may,  
24 Judge.

25                   THE COURT:  Sure.

1 REDIRECT EXAMINATION

2 BY MR. LOVRIC:

3 Q Hillary, I just want to make sure I heard it  
4 correctly. Mr. Accardi asked you a question, that everything  
5 that you and Mr. Puglisi talked about in texting of a sexual  
6 nature and he asked this question, that you and Mr. Puglisi  
7 had done those sexual things that you guys were talking about  
8 and texting and you said yes?

9 A Not all of them, but yeah.

10 Q I thought you said yes.

11 A I might have. I don't --

12 Q Did you do a lot of the things that you and Mr.  
13 Puglisi texted about, sexual in nature, did you do a lot of  
14 the things that you guys texted about?

15 A Yeah, some of them we did but it was earlier. So  
16 yeah.

17 Q Okay. But you did those things when you were at  
18 his apartment?

19 A Some.

20 Q Okay. Now, Hillary, do you consider yourself a  
21 victim?

22 A No.

23 Q Okay. What was the -- if I can call it, what was  
24 the plan? You and Mr. Puglisi were going to do what, get  
25 married, take care of Alec and Mia? What was the long-term

1 plan?

2 A We didn't talk that long term.

3 Q He never talked with you about that?

4 A No.

5 Q Never said this is what we're going to do and this  
6 is how it's going to work. This is what our life will be  
7 like?

8 A Well, not like specifically, not about his kids.

9 Q Well, did he tell you what the plan was with  
10 Kristen Puglisi? Where would she go? What was going to  
11 happen with her and you coming into his life?

12 A I don't know.

13 Q He didn't discuss those things with you?

14 A I don't know.

15 Q Hillary, did he discuss with you any of these very  
16 complicated personal issues of his, about his children, his  
17 wife, did he talk what his intentions were?

18 A What do you mean?

19 Q Did he talk to you about what he intended to do?

20 A With who?

21 Q With Kristen and his two little children.

22 A I don't know.

23 Q You guys really didn't talk about that?

24 A We might have. I don't -- I don't know.

25 Q Okay. Hillary, I take it from Mr. Accardi's

1 questions to you, you don't think and you don't believe that  
2 Mr. Puglisi took advantage of you in any way, is that right?

3 A Right.

4 Q You don't think in any way that there was any kind  
5 of a difference in where he is in life and maturity and where  
6 you are?

7 A Well, there was obviously a difference but it  
8 wasn't that important.

9 Q You said that you looked at Mr. Puglisi's phone on  
10 occasions?

11 A Yeah.

12 Q Okay. Do you remember texts that he would send to  
13 you where he would say in these texts, I'm going back and  
14 looking at those pictures you sent me. Do you remember him  
15 sending you texts like that?

16 A Yeah.

17 Q So it's just that whenever it was that you looked  
18 at his phone, he didn't have any picture at that time?

19 A Right.

20 Q You're not saying that you never sent him pictures  
21 and that he didn't get them and talk about them, right?

22 A Right.

23 Q Okay. The pictures that you did send to  
24 Mr. Puglisi, you described a little bit of what you indicated  
25 you saw. Why was -- why was that telephone, the phone that

1 you had, why was that returned and put on his desk that  
2 morning?

3 A I wasn't given an excuse. He never told me.

4 Q I'm just wondering if these pictures weren't that  
5 bad, why did that telephone disappear?

6 A What does telephone disappearing have to do with  
7 the pictures?

8 Q The pictures that you had that you took on your  
9 cellphone.

10 A They weren't on there anymore. I didn't save them.

11 Q Okay. Well, did you know whether or not those  
12 pictures can be retrieved from a cellphone?

13 A I don't know.

14 Q That telephone seems to have gone somewhere. No  
15 one seems to know where it is. Do you know why it is that  
16 disappeared?

17 A No.

18 MR. LOVRIC: That's all I have, Judge.

19 THE COURT: Anything further, Mr. Accardi?

20 MR. ACCARDI: Yes, your Honor. Please.

21 RECROSS-EXAMINATION

22 BY MR. ACCARDI:

23 Q Miss Pratt, I guess I'm not very technologically  
24 savvy. When you take a picture it would be on your phone as  
25 well?

1 A Right.

2 Q And then you send it?

3 A Right.

4 Q With regard to pictures on your phone, as you took  
5 them, what did you do with those pictures?

6 A I'd send them and then delete them.

7 Q So you deleted them immediately?

8 A Yeah.

9 Q And with regard to John's phone, between those  
10 pictures that you took on the 17th, 18th and 23rd, you recall  
11 seeing his phone and being able to go through that, there  
12 were no pictures on his phone?

13 A Right.

14 Q At some point in October or November, you knew that  
15 Mr. Puglisi was separated from his wife?

16 A Yeah.

17 Q And that he had his own apartment?

18 A Well, I didn't know that.

19 Q At some point you figured it out?

20 A After we started talking it out.

21 Q Was it common knowledge in school that they were  
22 separated?

23 A Yeah.

24 Q When you talked about future plans, some being in  
25 terms of your going to go to college, at least at that point

1 you guys can visit on a regular basis and not have to worry  
2 about where you are?

3 A Yeah.

4 Q It's not like oh, yeah, we're going to get married  
5 and live happily ever after. But at this point the  
6 relationship was such that you wanted to see where it would  
7 go?

8 A Right.

9 Q And when you talked about a difference -- well,  
10 there was a difference between him and you age wise. What  
11 did you mean by there's a difference?

12 A He had already gone to college and had a career and  
13 I didn't. That was it. Because he said levels of where you  
14 are in your life or something, that's where we were.

15 Q Would you say you were infatuated because he had  
16 gone to school already and had a career?

17 A No.

18 Q Fair to say, he basically had to come across as  
19 somebody you wanted to spend time with?

20 A I'm sorry. I missed the first part of that.

21 Q He had to basically -- through talking to you,  
22 meeting where you got to know each other more personal, that  
23 it was somebody that you wanted to get to know even better?

24 A Yeah.

25 Q Not because he was a teacher?

1 A No.

2 Q Not because he sent you text messages?

3 A No.

4 Q And if he had talked about certain sexual things  
5 that you hadn't done yet on the text messages, would you have  
6 done them simply because they were texted to you?

7 A No.

8 Q You would have done them because you felt  
9 comfortable when you were back again in person?

10 A Right.

11 Q And, again, just because this is the issue in this  
12 case, to what extent did the fact that you texted each other  
13 have to do with -- that you ultimately had sex and continued  
14 to have a sexual relationship?

15 A Nothing.

16 MR. ACCARDI: Thank you.

17 THE COURT: Mr. Lovric, anything further?

18 MR. LOVRIC: I have no questions, your Honor.

19 THE COURT: Miss Pratt, you may step down,  
20 ma'am.

21 (Witness was excused).  
22  
23  
24  
25



C E R T I F I C A T I O N

I, VICKY A. THELEMAN, RPR, CRR, United  
 States Court Reporter in and for the United States  
 District Court, Northern District of New York, do  
 hereby certify that I attended at the time and place  
 set forth in the heading hereof; that I did make a  
 stenographic record of the proceedings had in this  
 matter and cause the same to be transcribed; that  
 the foregoing is a true and correct copy of the same  
 and the whole thereof.

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VICKY A. THELEMAN, RPR, CRR  
 United States Court Reporter  
 US District Court - NDNY

Dated: September 24, 2009.